

Senate Study Bill 1111 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to a declaration concerning the final
2 disposition of a person's remains and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144B.1, subsection 2, Code 2017, is
2 amended to read as follows:

3 2. "*Designee*" means a person named in a declaration under
4 chapter 144C ~~that is contained in or attached to a durable~~
5 ~~power of attorney for health care.~~

6 Sec. 2. Section 144C.2, subsection 8, Code 2017, is amended
7 to read as follows:

8 8. "*Declaration*" means a written instrument, ~~contained in or~~
9 ~~attached to a durable power of attorney for health care under~~
10 ~~chapter 144B~~, that is executed by a declarant in accordance
11 with the requirements of ~~this chapter~~, and that names a
12 designee who shall have the sole responsibility and discretion
13 for making decisions concerning the final disposition of the
14 declarant's remains and the ceremonies planned after the
15 declarant's death, except as provided in section 144C.3,
16 subsection 1.

17 Sec. 3. Section 144C.3, subsections 1 and 2, Code 2017, are
18 amended to read as follows:

19 1. A declaration shall name a designee who shall have
20 the sole responsibility and discretion for making decisions
21 concerning the final disposition of the declarant's remains and
22 the ceremonies planned after the declarant's death. However, a
23 declaration may include a directive that the declarant does or
24 does not want to be cremated. A designee shall not authorize
25 cremation when a declaration includes a directive that the
26 declarant does not want to be cremated or authorize alternative
27 arrangements when a declaration includes a directive that the
28 declarant wants to be cremated. A declaration may name one or
29 more alternate designees and may include contact information
30 for the designees and alternate designees.

31 2. A declaration shall not include directives for final
32 disposition of the declarant's remains and shall not include
33 arrangements for ceremonies planned after the declarant's
34 death, except as provided in subsection 1.

35 Sec. 4. Section 144C.6, subsection 1, Code 2017, is amended

1 to read as follows:

2 1. A declaration executed pursuant to [this chapter](#) may but
3 need not be in the following form:

4 I hereby designate as my designee. My designee
5 shall have the sole responsibility for making decisions
6 concerning the final disposition of my remains and the
7 ceremonies to be performed after my death.

8 (One of the following shall be initialed by the declarant)

9 _____ I want my remains to be cremated.

10 _____ I do not want my remains to be cremated.

11 _____ I want to allow the person with the right to control
12 final disposition of my remains to decide whether to cremate
13 my remains or to make alternative arrangements for disposition
14 of my remains.

15 This declaration hereby revokes all prior declarations.

16 This designation becomes effective upon my death.

17 My designee shall act in a manner that is reasonable under
18 the circumstances.

19 I may revoke or amend this declaration at any time. I
20 agree that a third party (such as a funeral or cremation
21 establishment, funeral director, or cemetery) who receives a
22 copy of this declaration may act in reliance on it. Revocation
23 of this declaration is not effective as to a third party until
24 the third party receives notice of the revocation. My estate
25 shall indemnify my designee and any third party for costs
26 incurred by them or claims arising against them as a result of
27 their good faith reliance on this declaration.

28 I execute this declaration as my free and voluntary act.

29 Sec. 5. Section 144C.6, subsection 2, unnumbered paragraph
30 1, Code 2017, is amended to read as follows:

31 A declaration executed pursuant to [this chapter](#) shall
32 be in a written form that substantially complies with the
33 form in [subsection 1](#), is properly completed, ~~is contained~~
34 ~~in or attached to a durable power of attorney for health~~
35 ~~care under [chapter 144B](#)~~, and is dated and signed by the

